

REMARKS

This communication is in response to the Office Action of May 17, 2005. The specification was objected to and has been amended. A revised specification and a marked up version showing changes to the original specification are included with this amendment. Claims 1-13 were rejected under 35 U.S.C. § 112, second paragraph, and 35 U.S.C. § 102(e). Claims 1-13 are amended. Claims 1-13 are pending. A petition and the appropriate fee for a two-month extension of time are included with this amendment.

Amendments to the Specification

Applicant submits herewith a revised specification in compliance with 35 U.S.C. § 112, first paragraph, and in compliance with 37 C.F.R. § 1.71. Applicant also submits a marked up version showing the changes made to the original specification.

Applicant has been careful to not introduce new matter into the disclosure. To facilitate the Examiner's review of the amended specification, Applicant provides the following comments on paragraphs with apparent added text. Any changes in the original specification not mentioned below are either extremely minor changes for readability and grammatical correctness, or changes in the Abstract or in the Summary of Invention.

- [0001] "Of communication devices" is added for readability and grammatical correctness with no new matter.
- [0007] The text has been re-ordered and/or modified for readability with no new matter.
- [0023] "Of communication devices" replaces "system" without adding new matter. See [0039], in which the devices illustrated in Fig. 1 are described as being "communication devices in the network 100."
- [0036] The text has been re-ordered and/or modified for readability with no new matter.
- [0038] "The gateway 130 provides the server 110, ... with connectivity to an external network" replaces "The gateway 130 provides interconnections in a case where any of the server 110, ... accesses an external network." "Provides user access" replaces "used for access by a user." Both of these replacements improve readability with no new matter.

“Enabling communication” replaces “interconnecting communication.” This replacement corrects a usage error.

- [0046] The text has been re-ordered and/or modified for readability with no new matter.
- [0051] The text has been re-ordered and/or modified for readability with no new matter.
- [0052] “Has the value on the right side of the identifying condition” replaces “Is coincident with a value on the right side of the identifying condition.” This replacement corrects a usage error. The example of type name at the end of [0052] and the identifying conditions shown in rows 1-3 of the table in Fig. 3 show that this replacement adds no new matter. Other minor textual modifications have been made for readability with no new matter.
- [0054] “Storing” is added for readability with no new matter. The statement that “the communication device database storing unit 280 stores a communication device database” in [0045] shows that no new matter is added. Other minor textual modifications have been made for readability with no new matter.
- [0060] The text has been re-ordered and/or modified for readability with no new matter.
- [0062] “Has the value on the right side of the check condition” replaces “Is coincident with a value on the right side of the check condition.” This replacement corrects a usage error. The example of ipForwarding at the end of [0062] and the check conditions shown in rows 1 and 3 of the table in Fig. 4 show that this replacement adds no new matter. Other minor textual modifications have been made for readability with no new matter.
- [0064] The text has been re-ordered and/or modified for readability with no new matter.
- [0065] The text has been re-ordered and/or modified for readability with no new matter.
- [0067] The text has been re-ordered and/or modified for readability with no new matter.
- [0069] The text has been re-ordered and/or modified for readability with no new matter.
- [0071] The text has been re-ordered and/or modified for readability with no new matter.
- [0072] The text has been re-ordered and/or modified for readability with no new matter.
- [0074] “Evaluation of the identifying condition” replaces “determination of the identifying condition.” This replacement corrects an usage error. An identifying condition such as those shown in rows 1-3 of the table in Fig. 3 is evaluated, not determined.

- [0078] “Evaluation of the check condition” replaces “determination of the check condition.” This replacement corrects an usage error. A check condition such as those shown in rows 1 and 3 of the table in Fig. 4 is evaluated, not determined.
- [0081] “Evaluation of the monitoring condition” replaces “determination of the monitoring condition.” This replacement corrects an usage error. An monitoring condition such as those shown in Fig. 5 is evaluated, not determined.
- [0087] The text has been re-ordered and/or modified for readability and grammatical correctness with no new matter.
- [0089] The text has been re-ordered and/or modified for readability with no new matter.
- [0091] “Evaluation” replaces “determination” for an identifying condition. This replacement corrects an usage error. An identifying condition such as those shown in rows 1-3 of the table in Fig. 3 is evaluated, not determined. Other text has been re-ordered and/or modified for readability with no new matter.
- [0094] “Indicating the identifying table for identifying” replaces “for the identifying table that is prepared for identifying.” This replacement corrects a usage error, and uses the same expression “indicating the identifying table for identifying” that is used in the following sentence to convey the same meaning for another identifying class icon.
- [0095] The text has been re-ordered and/or modified for readability with no new matter.
- [0096] The text has been re-ordered and/or modified for readability with no new matter.
- [0101] “Using the management apparatus” replaces “according to a management apparatus.” This replacement corrects a usage error. Other text has been re-ordered and/or modified for readability with no new matter.
- [0102] “Using the management apparatus” replaces “according to a management apparatus.” This replacement corrects a usage error.
- [0105] The text has been re-ordered and/or modified for readability with no new matter.

The title of the invention, as shown on the revised specification, has been modified to “Apparatus and Method for Managing Communication Devices.”

Claim Rejections – 35 U.S.C. § 112

Claims 1-13 have been rejected under 35 U.S.C. § 112, second paragraph, as being narrative and indefinite. Claims 1-11 have also been rejected under 35 U.S.C. § 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships between elements. Applicant submits herewith amended claims 1-13 in compliance with 35 U.S.C. § 112, second paragraph.

Claim Rejections – 35 U.S.C. § 102

In the Office Action of May 17, 2005, the Examiner rejected claims 1-13 under 35 U.S.C. § 102(e) as being anticipated by Little et al. (U.S. Patent Publication 2004/0078727).

Applicant respectfully traverses the Examiner's rejections on the basis that the filing date of U.S. Patent Publication 2004/0078727 (December 13, 2002), the cited reference, is after the U.S. filing date of this application (May 28, 2002), making 35 U.S.C. § 102(e) inapplicable to the cited reference. U.S. Patent Publication 2004/078727 is a continuation-in-part of an earlier application (U.S. Patent Publication 2003/0204791 by Helgren et al., filed on April 30, 2002) and an issued patent (U.S. Patent 6,678,639 by Little et al., filed on July 27, 2001). Applicant has inspected these references and suggests that the disclosures of these references are substantially different from that of the cited reference.

In addition, Applicant suggests that the priority date of this application is the Japanese filing date of Japanese patent application No. 2002034687 (February 12, 2002) under 35 U.S.C. 119(a). A certified copy of Japanese patent application No. 2002034687 will be sent under separate cover to perfect the foreign priority date of this application under 35 U.S.C. 119(b).

Given a priority date of February 12, 2002, Applicant suggests that of the parent references of the cited reference, only U.S. Patent 6,678,639 of Little et al. may be considered prior art. U.S. Patent 6,678,639 by Little et al. does not teach or suggest all of the elements of Applicant's claimed invention. Applicant's claimed invention of independent claims 1, 11, 12, and 13 is for an apparatus for managing a communication device, and for a computer-readable medium storing a program for use with an apparatus for managing one or more communication devices. In applicant's claimed invention, an identifying unit determines whether a particular communication device satisfies an identifying condition, such as those shown in Fig. 3, for the purpose of determining the type of the communication device. The identifying condition is

contained in an identifying table that is stored in an identifying table storing unit. The identifying condition has a corresponding check method and/or a corresponding monitoring method, as shown in Fig. 3. If the identifying condition is satisfied by the identified communication device, then the corresponding check method is provided to a check unit, and the corresponding monitoring method is provided to a monitoring unit. The check unit determines the function of the identified communication device, and the monitoring unit monitors the status of the identified communication device.

One benefit of Applicant's claimed invention is that the invention provides management functionality that enables the configuration and the status of a network of communication devices to easily be determined, and to be easily customized to suit the needs of a user. The type, function, and status of each identified communication device are determined and provided to the user during both normal network operation, such as during user-requested updates described in paragraphs [0073], [0095], and [0097], and during network failure events, such as when a communication device is "Down," as shown in Row 1 of Fig. 5. The structure of the invention enables efficient addition, deletion, and modification of the underlying conditions associated with the check methods used by the check unit to check device functions, and the monitoring methods used by the monitoring unit to check device status. This is described in paragraphs [0043] and [0073]. Since the identifying table refers only to the check method and the monitoring method, perturbations to the identifying table due to changes in underlying conditions associated with check methods and monitoring methods can be minimized. This is described in paragraph [0047].

In contrast, Little et al. discloses an automated problem identification system. The system "compares the computing environment to an internal rules database [that is] *a compilation of various problems that are known to exist* on various configurations." (Abstract; col. 5, lines 8-11) Little teaches a rules database that contains "a series of checks which contain granular information about problems that may be encountered and may also contain information about identifying, analyzing, and correcting the problem." (col. 5, lines 51-54) A check is defined as containing "a title (description of the check), rule (what is being checked and what makes it fail), analysis (what is found in the inspection), and recommendations (what recommendations are given by the subject matter experts on how to resolve and/or allow future inspections to pass this check)." (col. 6, lines 27-32) Little also teaches that a user of the system will be notified only if a

check fails, indicating a system problem. Fig. 1 shows that if a problem is not detected in operation 120, the “process repeats at operation 100” without giving notice to the user in operation 130. (Fig. 1; col. 5, lines 11-16) Numerous examples given in Figs. 5-55 confirm that a user is not given any notice by the system unless a check fails, indicating a system problem. Little is thus directed at identifying problems, not at general management of network configuration.

In regards to Applicant’s independent claims, Little does not teach or suggest an identifying unit that determines whether a particular communication device satisfies an identifying condition, for the purpose of determining the type of the communication device. Instead, Little teaches away from this in that if a check fails, a system problem is indicated. If there is no system problem, no notification is provided to the user. There is no indication that evaluation of a check in Little provides any information about device type.

Little also does not teach or suggest that the identifying condition has a corresponding check method for determining device function and/or a corresponding monitoring method for determining device status. Instead, Little teaches away from this in that if a check fails, a system problem is indicated. If there is no system problem, no notification is provided to the user. There is no indication that evaluation of a check in Little provides any information about device function, or about device status if there is no device failure. In addition, Little teaches away from this based on the definition of a check in Little, containing only a title, a rule, and textual analysis of problem and recommendations of how to fix the problem. Little does not contemplate determining information about a device beyond problem identification.

Little also does not teach or suggest that if the identifying condition is satisfied by the identified communication device, then the corresponding check method is provided to a check unit that determines the function of the identified communication device, and/or the corresponding monitoring method is provided to a monitoring unit that monitors the status of the identified communication device. Little teaches away from this for the same reasons given in the preceding paragraph. In addition, since Little does not contemplate an apparatus that determines information about a device beyond problem identification, as described above, Little does not describe any underlying structure of such an apparatus.

In view of the foregoing amendments and remarks, it is respectfully submitted that all of the claims of the application are now in condition for allowance. The Examiner is invited to contact the undersigned if there are any residual issues that can be resolved through a telephone call.

The Commissioner is hereby authorized to charge any appropriate fees to Deposit Account No. 03-3117.

Dated: October 17, 2005

COOLEY GODWARD LLP
ATTN: Patent Group
Five Palo Alto Square
3000 El Camino Real
Palo Alto, CA 94306-2155
Tel: (650) 843-5000
Fax: (650) 857-0663

Respectfully submitted,
COOLEY GODWARD LLP

By: _____

William S. Galliani
Reg. No. 33,885